

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
NOVEMBER 7, 2022**

The regular meeting of the Board of Supervisors was called to order at 7 PM in the Township Building by Chairman Boorse with the pledge of allegiance. A quorum of Supervisors was declared.

Scott Boorse	-	Chairman
Michael Shiring	-	Vice-Chairman
J. Daniel Hill	-	Supervisor

Vice-Chairman Shiring moved to approve the October 3, 2022 minutes as written. Supervisor Hill seconded the motion. Chairman Boorse abstained from voting as he was not in attendance. The minutes were approved with two in favor and one abstention.

Vice-Chairman Shiring moved to approve the bills submitted for payment. Supervisor Hill seconded the motion. State Fund Check #198 was approved for payment to A.F. Damon, Inc. for \$23,458.10 for the 2022 Road Program. General Fund checks totaled \$204,716.79.

**ZONING HEARING BOARD APPLICATIONS FOR NOVEMBER 16<sup>TH</sup> HEARING**

The Zoning Hearing Board is meeting on November 16<sup>th</sup> @ 7 PM to consider two applications.

**DOYLE/1202 CARPENTER LANE/DETACHED GARAGE**

Alfred Michael Doyle, 1202 Carpenter Lane, seeks variances from Section 122-24.G (accessory buildings and structures); Section 122-24.C (lot coverage); Section 122-24.D (front yard setback); and Section 122-24.I (green space coverage) in order to construct a 1-story detached garage on the property.

Mr. Doyle explained the need for another garage as his outside vehicles are getting infested with rodents. His issue is that the side along Carpenter Lane is considered the front yard which requires not less than eighty feet from the building line to the street line. The house is an existing non-conforming lot and not eighty feet from Carpenter Lane. The house is built on an angle between thirty and forty feet from Carpenter Lane which is a private road. There is a stream right behind the house in a mature wooded area which is why the house was built at its location. The garage will be on the same angle as the existing house so it will look like it's in line with the house and it will be constructed with the same material. The right of way is measured as fifty feet which affects the calculations for impervious cover and green space on the lot. Impervious cover will increase from 10.2% to 11.4%.

Supervisor Shiring noted that it is helpful to have letters of support from neighbors.

Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board to render a decision after the testimony has been presented. Chairman Boorse seconded the motion which was unanimously approved.

### **BR PARTNERS (BRUZZESE) 1385 BIRMINGHAM ROAD/PERGOLA STRUCTURE**

Dominic Bruzzese, representing one of the two families that joined to become BR Partners, 1385 Birmingham Road, seeks variances from Section 122-28.F (accessory buildings and structures) and Section 122-36.6.B (minimum building setback from an Historic Resource) in order to allow a pergola structure to remain in its existing location on the property. This is an historic structure better known as the Dilworthtown Presbyterian Church which is located in the HARB district so it would still need Historical Commission and Historical Architectural Review Board reviews if variances are granted. Mr. Bruzzese said the Montessori School has been located at the site for ten years. The 10' x 25' pergola structure is for the children who are taken outside for approximately forty-five minutes each day in order to give them an area out of the sun. The pergola is 170' from the main building and not the required 200' from a historic structure. Plantings have been installed at the base of the open aired pergola which will grow up the sides for additional shade purposes. The pergola is setback less than seventy feet from the road and behind the parking lot.

Chairman Boorse noted that in the July 7, 2022 letter from Dave Schlott, Zoning Officer, it states that the Board of Supervisors has the ability to reduce the minimum building setback if it can be demonstrated to the satisfaction of the Board that the historic resource can be adequately protected through existing or proposed landscaping, topography, architectural controls, or other features.

Vice-Chairman Shiring suggested that the proper order to follow would be: 1) zoning variance approval; 2) HARB and HC recommendation; and then 3) Supervisor consideration of the reduction of the 200' building setback requirement from an historical structure.

Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board to render a decision after the testimony has been presented. Chairman Boorse seconded the motion which was unanimously approved.

### **ACT 57 TAX RESOLUTION**

Vice-Chairman Shiring said that the Governor of Pennsylvania signed into law Act 57 on July 11, 2022 which became effective on October 11, 2022. It amends the Local Tax Collection Law. The Supervisors are required to pass a resolution adhering to the requirements of the Act within ninety days of the effective date.

Chairman Boorse explained that the purpose of Act 57 is to allow for new homeowners to receive a waiver from the property tax penalty charges if they did not receive a bill within their first year of owning a property after its transfer. The Act addresses situations in which new property owners do not receive their property tax bill and through no fault of their own are being assessed with late penalties for a bill that was never received.

Chairman Boorse moved to adopt Resolution 2202-1107 to establish the process and procedures by which taxpayers may seek a waiver of late payment penalties for real estate taxes as set forth

in Act 57 which amends the local tax collection law. Supervisor Hill seconded the motion which was unanimously approved.

### **AUTHORIZE ADVERTISING ON PRELIMINARY 2023 BUDGET**

Chairman Boorse moved to authorize advertising for public inspection of the Preliminary 2023 Budget with final adoption scheduled for the December 5<sup>th</sup> meeting. General Fund Revenues are \$2,938,106. which includes a carry forward into 2023 of \$1,152,464. and expenditures of \$2,351,646. The millage rate remains the same at 1.6 mills. Chairman Boorse moved to authorize advertising the 2023 Preliminary Budget for public inspection. Vice-Chairman Shiring seconded the motion which was unanimously approved.

### **PUBLIC COMMENT**

Michael Doyle asked what the Township's position is on the Crebilly Farm Property in Westtown Township since its development will have such an impact on many Birmingham residents. Chairman Boorse said that Birmingham Township was a party of interest to the land development proceedings which were attended by legal counsel who kept the Board of Supervisors apprised of the status of the application.

Michael Doyle asked how he could find out the status of the proposed museum for the Aiken (Linden Farm) Property located at 1225 Birmingham Road. He heard there were funds needed and a timeline requirement for the funds. Chairman Boorse replied that there was a presentation made to the Board many months ago with follow-up required in order to proceed but there has been no follow-up.

The meeting was adjourned at 7:50 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

**Check Register****BIRMINGHAM TOWNSHIP**

06-Dec-22

From: 04-Oct-22 To: 07-Nov-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>					
21810	10/12/2022	1001926	AJ BLOSENSKI, INC.	\$800.80	O
21811	10/12/2022	557	ALL SEASONS LANDSCAPIN	\$965.03	O
21812	10/12/2022	366	BUCKLEY,BRION,MCGUIRE	\$6,527.00	O
21813	10/12/2022	1001950	CARA M FITZPATRICK	\$197.00	O
21814	10/12/2022	1002827	DAVCO ADVERTISING	\$515.00	O
21815	10/12/2022	1001944	GOSHEN SIGNS	\$1,080.00	O
21816	10/12/2022	21	H A THOMSON	\$21,333.00	O
21817	10/12/2022	1002180	MICHAEL T SHIRING	\$363.90	O
21818	10/12/2022	798	PA ONE CALL SYSTEM,INC.	\$82.50	O
21819	10/12/2022	205	PARKWAY DRY CLEANERS,	\$74.25	O
21820	10/12/2022	171	REILLY & SONS INC.	\$1,253.87	O
21821	10/12/2022	1001833	STAPLES BUSINESS ADVAN	\$319.27	O
21822	10/12/2022	278	UNRUH, TURNER, BURKE &	\$829.00	O
21823	10/12/2022	746	V.E. RALPH & SON,INC.	\$40.37	O
21824	10/12/2022	1002787	VMDT PARTNERSHIP	\$343.72	O
21825	10/12/2022	1001834	WM P MCGOVERN INC	\$630.00	O
21826	10/12/2022	3	PA TWP HEALTH INS COOP	\$525.76	O
21827	10/17/2022	775	CONVENIENT CAR CARE C	\$199.75	O
21828	10/17/2022	2	FREEDOM SYSTEMS	\$7,000.00	O
21829	10/17/2022	422	HARRY TILLMAN AUTOMOTI	\$381.98	O
21830	10/17/2022	1002793	HOFFMANS EXTERMINATIN	\$100.00	O
21831	10/17/2022	64	PMRS (UNIFORM)	\$60.00	O
21832	11/7/2022	11	21ST CENTURY MEDIA - PHI	\$278.28	O
21833	11/7/2022	456	A F DAMON COMPANY, INC	\$59,681.75	O
21834	11/7/2022	1002659	ARRO CONSULTING, INC	\$8,460.88	O
21835	11/7/2022	1002659	ARRO CONSULTING, INC	\$12,114.35	O
21836	11/7/2022	849	BATTAVIO/B&F SERVICE CO	\$177.30	O
21837	11/7/2022	366	BUCKLEY,BRION,MCGUIRE	\$3,288.25	O
21838	11/7/2022	1001950	CARA M FITZPATRICK	\$167.00	O
21839	11/7/2022	1002838	CHADDS FORD HISTORICAL	\$1,000.00	O
21840	11/7/2022	600	CHESCO HISTORIC PRESE	\$100.00	O
21841	11/7/2022	1002494	CIVICPLUS	\$2,424.93	O
21842	11/7/2022	1002390	CJS TIRE & AUTOMOTIVE	\$280.00	O
21843	11/7/2022	1002121	CLEVENS K-9 SCOOP	\$285.00	O
21844	11/7/2022	775	CONVENIENT CAR CARE C	\$279.65	O
21845	11/7/2022	2	FREEDOM SYSTEMS	\$2,212.38	O
21846	11/7/2022	46	GALLS, LLC	\$31.09	O
21847	11/7/2022	422	HARRY TILLMAN AUTOMOTI	\$596.46	O

**Check Register****BIRMINGHAM TOWNSHIP**

06-Dec-22

From: 04-Oct-22 To: 07-Nov-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21848	11/7/2022	1002837	HOWARD & SARA HARRIS	\$3,757.54	O
21849	11/7/2022	1002817	LAKE SHORE INDUSTRIES	\$1,511.80	O
21850	11/7/2022	780	LAND ART	\$1,275.00	O
21851	11/7/2022	211	LEGISLATIVE REFERENCE	\$5.50	O
21852	11/7/2022	1002836	NEW RESTORATION & REC	\$19,915.06	O
21853	11/7/2022	798	PA ONE CALL SYSTEM,INC.	\$57.42	O
21854	11/7/2022	205	PARKWAY DRY CLEANERS,	\$154.70	O
21855	11/7/2022	213	PIRMA	\$30,624.00	O
21856	11/7/2022	171	REILLY & SONS INC.	\$1,386.30	O
21857	11/7/2022	507	ROTHWELL DOCUMENT SO	\$221.95	O
21858	11/7/2022	811	S&S CLEANING SERVICE	\$388.00	O
21859	11/7/2022	1002792	SUNNY GARDEN LANDSCA	\$1,417.50	O
21860	11/7/2022	1002102	WIGGINS SHREDDING INC	\$210.00	O

**Bank Total:****\$195,924.29****Bank Account: 22 GF - Electronic Payments**

100041	10/5/2022	1001913	VERIZON WIRELESS 722423	\$160.56	O
100045	10/12/2022	80	AQUA PENNSYLVANIA	\$2,685.58	O
100046	10/12/2022	1001902	COMCAST BUSINESS	\$159.89	O
100047	10/12/2022	29	PECO ENERGY	\$520.47	O
100048	10/12/2022	30	PECO ENERGY (TRAFFIC LI	\$73.69	O
100049	10/28/2022	1002798	TRUMARK FINANCIAL CRED	\$1,101.16	O
100050	11/7/2022	80	AQUA PENNSYLVANIA	\$2,854.88	O
100051	11/7/2022	1001902	COMCAST BUSINESS	\$159.89	O
100052	11/7/2022	29	PECO ENERGY	\$554.71	O
100053	11/7/2022	61	VERIZON 753-804-167-0001-	\$361.62	O
100054	11/7/2022	1001913	VERIZON WIRELESS 722423	\$160.05	O

**Bank Total:****\$8,792.50****Total Of Checks:****\$204,716.79**